



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of ) Examiner: L.Y.B. Lum  
Maurits W. Geerlings )  
Serial No. 10/022,631 ) Art Unit: 1641  
Filed: December 17, 2001 )  
For: "Methods and Means for )  
Site Directed Therapy )

Suite 2400  
1601 Market Street  
Philadelphia, PA 19103  
(215) 563-4100 (telephone)  
(215) 563-4044 (facsimile)  
Our File No. 2056-P01519US4

**Certificate of Mailing Under 37 C.F.R. §1.8(a):**

I hereby certify that this correspondence is being deposited on November 23, 2004 with the United States Postal Service as first-class mail in an envelope properly addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Caren Burgoon  
Caren Burgoon

**Petition for Extension of Time Under 37 C.F.R. §1.136(a):**

The undersigned hereby petitions for an extension of time of one (1) month beyond the time period set forth in the Official Action, dated September 23, 2004. A check in the amount of \$55.00 to cover this fee is enclosed. Please charge any deficiency or credit any overpayment to Deposit Account No. 04-1406.

Patrick J. Hagan  
Patrick J. Hagan  
Attorney for Applicant(s)  
Registration No. 27,643

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRAVERSAL AND REQUEST FOR RECONSIDERATION  
OF REQUIREMENT FOR RESTRICTION**

Applicant, through his undersigned attorneys, hereby traverses and requests reconsideration of the requirement for

1641



**TRANSMITTAL**

<p>TOT. AMT. OF PAYMENT: (1) + (2) + (3) = \$ <u>55.00</u></p>	<p><i>Complete if known</i></p>
	<p>Application Number: <b>10/022,631</b></p>
	<p>Filing Date: <b>December 17, 2001</b></p>
	<p>First Named Inventor: <b>Maurits W. Geerlings</b></p>
	<p>Title: <b>Methods and Means for Site Directed Therapy</b></p>
<p>Our File No.: <b>2056-P01519US4</b></p>	

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																																								
<p><input checked="" type="checkbox"/> Authorization is hereby granted to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 04-1406.</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> Any patent application processing fees under 37 C.F.R. § 1.17</p> <p>Any extensions of time that are required to maintain this application in a pending status, if not included herewith, are hereby requested. Authorization is hereby granted to charge such extension fees to Deposit Account No. 04-1406. Two copies of this transmittal are enclosed for accounting purposes.</p> <p><input checked="" type="checkbox"/> Payment enclosed: \$<u>55.00</u></p>	<p><b>3. ADDITIONAL FEES</b></p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 80%;">Fee Description</th> <th style="text-align: right; width: 20%;">Fee Paid</th> </tr> </thead> <tbody> <tr><td>Surcharge-late filing fee or oath</td><td style="text-align: right;">_____</td></tr> <tr><td>Surcharge - late provisional filing fee or cover sheet</td><td style="text-align: right;">_____</td></tr> <tr><td>Non-English specification</td><td style="text-align: right;">_____</td></tr> <tr><td>For filing a request for reexamination</td><td style="text-align: right;">_____</td></tr> <tr><td>Requesting publication of SIR prior to Examiner action</td><td style="text-align: right;">_____</td></tr> <tr><td>Requesting publication of SIR after Examiner action</td><td style="text-align: right;">_____</td></tr> <tr><td>Extension for response within first month</td><td style="text-align: right;"><u>55.00</u></td></tr> <tr><td>Extension for response within second month</td><td style="text-align: right;">_____</td></tr> <tr><td>Extension for response within third month</td><td style="text-align: right;">_____</td></tr> <tr><td>Extension for response within fourth month</td><td style="text-align: right;">_____</td></tr> <tr><td>Notice of Appeal</td><td style="text-align: right;">_____</td></tr> <tr><td>Filing a brief in support of an appeal</td><td style="text-align: right;">_____</td></tr> <tr><td>Request for oral hearing</td><td style="text-align: right;">_____</td></tr> <tr><td>Petition to institute a public use proceeding</td><td style="text-align: right;">_____</td></tr> <tr><td>Petition to revive unavoidably abandoned application</td><td style="text-align: right;">_____</td></tr> <tr><td>Petition to revive unintentionally abandoned application</td><td style="text-align: right;">_____</td></tr> <tr><td>Issue fee</td><td style="text-align: right;">_____</td></tr> <tr><td>Advance Order (10 copies)</td><td style="text-align: right;">_____</td></tr> <tr><td>Publication Fee</td><td style="text-align: right;">_____</td></tr> <tr><td>Petitions to the Commissioner</td><td style="text-align: right;">_____</td></tr> <tr><td>Petitions related to provisional applications</td><td style="text-align: right;">_____</td></tr> <tr><td>Submission of Information Disclosure Stmt.</td><td style="text-align: right;">_____</td></tr> <tr><td>Recording each patent assignment per property (times number of properties)</td><td style="text-align: right;">_____</td></tr> <tr><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td style="text-align: right;">_____</td></tr> <tr><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td style="text-align: right;">_____</td></tr> <tr><td>Other fee (specify) _____</td><td style="text-align: right;">_____</td></tr> <tr> <td style="text-align: right; padding-top: 10px;"><b>SUBTOTAL (3)</b></td> <td style="text-align: right; padding-top: 10px;"><b>\$ <u>55.00</u></b></td> </tr> </tbody> </table>	Fee Description	Fee Paid	Surcharge-late filing fee or oath	_____	Surcharge - late provisional filing fee or cover sheet	_____	Non-English specification	_____	For filing a request for reexamination	_____	Requesting publication of SIR prior to Examiner action	_____	Requesting publication of SIR after Examiner action	_____	Extension for response within first month	<u>55.00</u>	Extension for response within second month	_____	Extension for response within third month	_____	Extension for response within fourth month	_____	Notice of Appeal	_____	Filing a brief in support of an appeal	_____	Request for oral hearing	_____	Petition to institute a public use proceeding	_____	Petition to revive unavoidably abandoned application	_____	Petition to revive unintentionally abandoned application	_____	Issue fee	_____	Advance Order (10 copies)	_____	Publication Fee	_____	Petitions to the Commissioner	_____	Petitions related to provisional applications	_____	Submission of Information Disclosure Stmt.	_____	Recording each patent assignment per property (times number of properties)	_____	Filing a submission after final rejection (37 CFR 1.129(a))	_____	For each additional invention to be examined (37 CFR 1.129(b))	_____	Other fee (specify) _____	_____	<b>SUBTOTAL (3)</b>	<b>\$ <u>55.00</u></b>
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Submitted By: \_\_\_\_\_

Typed or \_\_\_\_\_

Printed Name Patrick J. Hagan Reg. Number 27,643

Signature Patrick J. Hagan Date November 23, 2004 Deposit Account User ID 04-1406



restriction set forth in the Official Action dated September 23, 2004, in the above-identified patent application.

A shortened statutory response period of one (1) month was specified in the September 23, 2004 Official Action. The initial due date for response, therefore, was October 23, 2004. A petition for a one (1) month extension of the response period is presented with this traversal and request for reconsideration of requirement for restriction, which is being filed before the expiration of the one (1) month extension period.

Claims 26 and 39 are both directed to methods for providing radiotherapy to a mammal via delivery of a conjugate comprising a targeting moiety and a  $\alpha$ -particle emitting radioisotope. A review of these two claims plainly shows that the lack of any justification for the Examiner's contention that "Inventions I and III . . . have different modes of operation, different functions and different effects", as set forth at page 3 of the September 23, 2004 Official Action. The effect produced by each method is essentially the same. Claim 26 differs from claim 39, primarily, in the recitation regarding the procedure for fractioning the dose of the  $\alpha$ -particle emitting radioisotope used in the method. This difference does not, however, change the respective effects of each method.

Furthermore, it is clear that the field of search with respect to the subject matter of the Group I claims, would of necessity include the same art areas in which the subject matter of the Group III claims is classified. Thus, the concurrent examination of both of the allegedly distinct inventions i.e. claims 26-29 and 39-43 in the present application would not materially affect the Examiner's workload.

For all of the foregoing reasons, it is respectfully requested that the requirement for restriction set forth in the September 23, 2004 Official Action be modified such that Group I and III form a single group.

In order to be fully responsive, applicants hereby elect the Group III invention, i.e., the subject matter of claims

39-43.

The present election is without prejudice to applicant's right to file one or more continuing applications, as provided under 35 U.S.C. §121, on the subject matter of any claim ultimately held withdrawn from consideration in this application.

Early and favorable action on the merits of this application is respectfully requested.

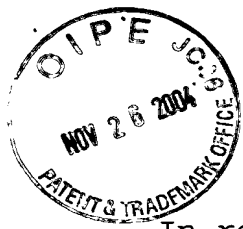
Respectfully submitted,

DANN, DORFMAN, HERRELL AND SKILLMAN

By Patrick J. Hagan

Patrick J. Hagan  
PTO Registration No. 27,643

Telephone: 215-563-4100



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Maurits W. GEERLINGS

Serial No. 10/022,631

Filed: December 17, 2001

For: METHOD AND MEANS FOR SITE  
DIRECTED THERAPY

Examiner: Leon Y.B. Lum

Art Unit: 1641

Our File: 2056-P01519US4

**Certificate of Mailing Under 37 C.F.R. §1.8(a):**

I hereby certify that this correspondence is being deposited on November 23, 2004 with the United States Postal Service as First Class Mail in an envelope properly addressed to the Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450.

*Caren Burgoon*

Caren M. Burgoon

Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

**REQUEST FOR LISTING OF REFERENCES**

Applicant in the above-identified application is submitting herewith the following documents: (i) copy of Form PTO-892 (Notice of References Cited) from the file of the parent U.S. Application No. 09/014,206, filed January 28, 1998; and (ii) copies of three (3) Forms PTO-1449 listing references that were considered and made of record in connection with Applicants' above-mentioned '206 application.

It is respectfully requested that the references included in documents submitted herewith be listed on the face of the patent granted on the above-identified application, in accordance with the following provisions of §609 of the Manual of Patent Examining Procedure:

[T]he examiner will consider information which has been considered by the Office in a parent application when examining (A) a continuation application filed under 37 CFR 1.53(b) or filed under former 37 CFR 160, (B) a divisional application filed under 37 CFR 1.53(b) or filed under form 37 CFR 1.60, or (C) a continuation-in-part application filed under 37 CFR 1.53(b). Such information need not be resubmitted in the continuing application unless applicant desires the information to be printed on the patent.

In the event any fee is due in connection with the consideration of this request, the Commissioner is authorized to charge any such fee to the account of the undersigned attorneys, Deposit Account No. 04-1406.

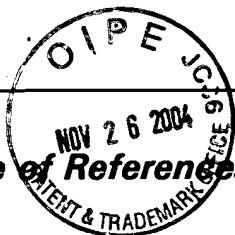
Respectfully submitted,

DANN DORFMAN HERRELL and  
SKILLMAN, P.C.  
Attorneys for Applicant

By Patrick J. Hagan  
Patrick J. Hagan  
Registration No. 27,643

PJH:cmb  
Enclosures

Telephone: 215-563-4100  
Facsimile: 215-563-4044  
Customer No. 000110



# Notice of References Cited

Application No.  
09/014,206

Applicant(s)

Geerlings

Examiner  
Bao-Thuy L. Nguyen

Group Art Unit  
1641

Page 1 of 1

## U.S. PATENT DOCUMENTS

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	5,246,691	9/21/93	GEERLINGS ET AL	----	----
B				----	----
C				----	----
D				----	----
E				----	----
F					
G					
H					
I					
J					
K					
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## FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N						
O						
P						
Q						
R						
S						
T						

## NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
U		
V		
W		
X	<i>Myung</i> 8/10/2000	

FORM PTO-1449 U.S. DEPARTMENT OF  
COMMERCE

ATTY. DOCKET NO.

APPLICATION NO.

09/014,206

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

APPLICANT

Maurits W. GEERLINGS

FILING DATE

January 28, 1998

GROUP

1641

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

Examiner Initial		DOCUMENT NUMBER							DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A1	4	2	9	6	7	8	5	10/81	Vitello			
	A2	4	6	6	3	1	2	9	5/87	Atcher			
	A3	4	7	3	2	8	6	4	3/88	Tolman et al.			
	A4	5	3	5	5	3	9	4	10/94	Van Greel			
	A5	4	8	3	3	3	2	9	5/89	Quint et al.			
	A6	4	0	0	1	3	8	7	1/77	Barak et al.			
	A7	4	3	0	5	9	2	2	12/81	Rhodes			
	A8	5	0	3	8	0	4	6	8/91	Norman et al.			
	A9	5	2	5	4	3	2	8	10/93	Herscheid et al.			
	A10	5	6	4	1	4	7	1	6/97	Geerlings			

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	NO
	B1	0	3	0	6	1	6	8	8/88	Europe				

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	C1	D.S. Wilbur, "Potential Use of a $\alpha$ -emitting Radionucleotides in the Treatment of Cancer", <i>Antibody. Immunoconjugates and Radiopharmaceuticals</i> , 4(1): 85-97 (1991)
	C2	T. Mitsugashira et al., "Preparation of Traces for Actinium, Thorium, Proactinium and Uranium", <i>SPEY, Min. Educ. Sci. &amp; Cult.</i> , Tokyo, 9: 111-116 (1984)
	C3	S. Suzuki, "Solution Chemistry of Light Actinide Elements", Japan - US Seminar on Thorium fuel reactors - Proceedings, Nara, Japan, 18-22 October 1982 (Tokyo, 1985), pp. 137-143
	C4	S. Mirzadeh et al., "Radiometal Labeling of Immunoproteins: Covalent Linkage of 2-(4-isothiocyanatobenzyl)di-ethylenetriaminepentaacetic Acid Ligands to Immunoglobulin", <i>Bioconjugate Chem.</i> , 1: 59-65 (1990)
	C5	Zwierzina et al., <i>Stem Cells</i> , 11: 144 (1993)
	C6	Kozak et al., <i>Tibtech</i> , 4(10): 259 (1986)
	C7	Goldenberg, <i>Arch. Pathol. Lab Med.</i> , 112: 580 (1988)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

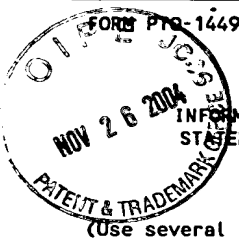


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U.S. DEPARTMENT OF  
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STATEMENT BY APPLICANT

(Use several sheets if necessary)

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APPLICATION NO.

09/014,206

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FILING DATE

January 28, 1998

GROUP

1641

## U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
A1	4 4 5 4 1 0 6	6/84	Gansow et al.			
A2	4 4 7 2 5 0 9	9/84	Gansow et al.			
A3	4 8 1 6 3 9 7	3/89	Boss et al.			
A4	4 8 2 8 9 9 1	5/89	Hanna et al.			
A5	4 9 2 3 9 8 5	5/90	Gansow et al.			
A6	5 2 4 6 6 9 1	9/93	Geerlings et al.			

## FOREIGN PATENT DOCUMENTS

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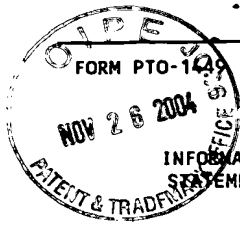
## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

C1	Scheinberg et al., "Targeting in Erythroleukemic Mice . . .", Monoclonal Antibodies Drug Dev., Process Jacob Abel Symp. for Drug Dev., pp. 159-171 (1982)
C2	"Astatine-211: It's Possible Applications in Cancer Therapy", Brown, <i>International Journal of Radiation Applications and Instrumentation</i> , Part A, Vol. 37, No. 8, pp. 789-798 (1986)
C3	"Preparation of <sup>224</sup> RA for Therapy of Ankylosing Spondylitis", Delikan Health Physics, Vol. 35, No. 1, pp. 21-24 (1978)

EXAMINER

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FORM PTO-143

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		C1	Lambrecht, "Radionuclide Generators", Radiochimica Acta 34, 9-24 (1983), R. Oldenbourg Verlag, Munich, page 19
		C2	Spitsyn & Mikheev, "Generators for the Production of Short-Lived Radioisotopes, "Atomic Energy Review, 9(4): 787 et seq. (1971), International Atomic Energy Commission, Vienna, pp. 820-823
		C3	Riechmann et al., "Reshaping human antibodies for therapy", Nature, 332: 323-327 (1988), Macmillan Magazines, London
		C4	DeNardo et al., "Fractionated Radioimmunotherapy of B-Cell Malignancies with <sup>131</sup> I-Lym-1", Cancer Res. (Suppl), 50: 1014s-1016s (1990)

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